

Jeffrey B. Youmans, WSBA #26604  
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 Seattle, WA 98101-1688  
 (206) 622-3150

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF WASHINGTON

BRENDA JANEEN DALY, individually, )	
)	
Plaintiff, )	No. CV-05-5059-EFS
)	
v. )	STIPULATION AND
)	PROTECTIVE ORDER
CAZIER ENTERPRISES, INC., a )	
regular corporation licensed to conduct )	
business in the State of Washington, d/b/a )	
SUBWAY, RUSSELL LEE CAZIER and )	
JANE DOE CAZIER, husband and wife, )	
individually, and the marital community )	
thereof, )	
)	
Defendants. )	

**STIPULATION**

Based on the fact that discovery has been and may again be requested  
 in this case seeking disclosure of confidential business information, personnel  
 information, and other information of a sensitive and/or private nature, the

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1 parties stipulate to the entry of the subjoined Protective Order pursuant to  
2 Fed. R. Civ. P. 26(c).

3 DATED this 18th day of January, 2006.

4 TAYLOR LAW FIRM  
5 Attorney for Plaintiff Brenda Daly

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendants Cazier  
Enterprises, Inc., Russell Lee Cazier  
and Joy Cazier

6  
7 By /s/Janet E. Taylor  
Janet E. Taylor, WSBA No. 30046

By /s/Sheehan Sullivan Weiss  
Jeffrey B. Youmans, WSBA No. 26604  
Sheehan Sullivan Weiss, WSBA No.  
33189

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**PROTECTIVE ORDER**

Pursuant to Civil Rule 26(c), and according to the Stipulation of the parties, it is ORDERED as follows:

1. Any documents produced by a party in this action which are, in good faith, determined by the producing party to contain confidential or proprietary information, including without limitation financial information, trade secrets, personnel and payroll information, or other commercially sensitive or personally sensitive information of a non-public nature, may be designated as confidential, and so marked, by stamping each page of the document "Confidential." If the document is more than 25 pages in length, stamping the front page "Confidential" shall be sufficient to cover the entire document under this Protective Order. In addition, any documents containing information regarding plaintiff's medical history are automatically deemed Confidential.

2. When used in this Order, the word "documents" means all written, recorded or graphic matter whatsoever, however created and whatever the medium on which it was produced or reproduced, including, but not limited to, documents produced by any party, whether pursuant to Fed. R. Civ. P. 33 or 34, subpoena, or by agreement, and may also include deposition

1 transcripts and exhibits, and any portions of any court papers which quote  
2 from or summarize any of the foregoing.

3 3. All confidential documents and all information contained therein,  
4 shall be used by the party(ies) to whom the documents are disclosed solely for  
5 the prosecution and/or defense of this action, and shall not be further  
6 disseminated, except as specifically set forth below.

7 4. Except with prior written consent of the party asserting  
8 confidential treatment, confidential documents and the information contained  
9 therein may be disclosed only to the following persons:

10 (a) Counsel for the party(ies) to whom the confidential  
11 disclosure has or is to be made, and secretaries, paralegal assistants, and other  
12 employees of such counsel who are assisting counsel in the prosecution  
13 and/or defense of this action. Counsel shall be responsible for ensuring that  
14 his or her associates and employees are informed of the terms of this Order  
15 and agree to abide by them;

16 (b) The parties to this litigation, provided they are informed of  
17 the terms of this Order and agree to abide by them;

18 (c) Outside consultants and experts retained by any party for  
19 the purpose of assisting in the prosecution and/or defense of this action, but  
20 only after the consultant or expert has read this Order and agrees in writing to

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1 be bound by it, as set forth in Exhibit A. Upon Order of this Court, for good  
2 cause shown, these agreements shall be available for inspection by counsel  
3 for the party producing the confidential documents;

4 (d) Deposition witnesses, during their depositions, or trial  
5 witnesses, at trial, when necessary for, or otherwise relevant or helpful to, the  
6 testimony of such witnesses, provided that confidential documents and the  
7 information contained therein may be disclosed to non-party deposition  
8 witnesses only after the witness has read this Order and agrees in writing to  
9 be bound by it, as set forth in Exhibit A. Upon Order of this Court, for good  
10 cause shown, these agreements shall be available for inspection by counsel  
11 for the party producing the confidential documents; and

12 (e) The Court.

13 5. Documents designated confidential, and information derived  
14 therefrom, may be referred to in interrogatory answers, motions, briefs and  
15 other court papers and may be used in depositions and marked as deposition  
16 exhibits in this action. However, no such document shall be used for any of  
17 these purposes unless it, or the portion of the court paper where it is revealed,  
18 is appropriately marked and separately filed under seal with the Clerk of this  
19 Court.

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1           6.     The use of documents designated confidential, and information  
2 derived therefrom, during the course of the trial of this action shall be  
3 governed by further stipulation of the parties or further Order of this Court.  
4 Except as to the use at trial of confidential documents and information  
5 derived therefrom, this Order shall remain effective until such time as it is  
6 superseded by stipulation of the parties or Order of this Court.

7           7.     At the conclusion of the litigation of this action, or upon  
8 settlement or dismissal, documents designated as confidential, and all copies  
9 of such documents (other than exhibits of record), shall be returned to the  
10 source from which they were produced or at the direction of the producing  
11 party, destroyed with the party destroying the documents providing a  
12 certificate of destruction to the producing party.

13           8.     Nothing in this Order shall prevent any party to this action from  
14 moving the Court to remove the confidential designation from a particular  
15 document, from seeking modification of this Order or other or further  
16 protection or relief, or from objecting to discovery which it believes to be  
17 otherwise improper.  
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1 DATED this 30th day of January, 2006.

2  
3 s/ Edward F. Shea  
4 THE HONORABLE EDWARD F. SHEA

5 Presented by:

6 DAVIS WRIGHT TREMAINE LLP  
7 Attorneys for Defendants Cazier Enterprises,  
8 Inc., Russell Lee Cazier and Joy Cazier

9 By /s/ Sheehan Sullivan Weiss  
10 Jeffrey Youmans, WSBA No. 26604  
11 Sheehan Sullivan Weiss, WSBA No. 33189

12 Approved as to Form;  
13 Notice of Presentation Waived:

14 TAYLOR LAW FIRM  
15 Attorneys for Plaintiff Brenda Daly

16 By /s/Janet E. Taylor  
17 Janet E. Taylor, WSBA No. 30046  
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EXHIBIT A

**AGREEMENT OF EXPERT, CONSULTANT,  
NON-PARTY DEPOSITION WITNESS,  
OR DESIGNATED REPRESENTATIVE  
TO BE BOUND BY PROTECTIVE ORDER**

The undersigned, \_\_\_\_\_ (print or  
type name), an expert, consultant, non-party deposition witness, or designated  
representative of \_\_\_\_\_ (print or type  
name of party or law firm), in connection with Brenda Daly v. Cazier  
Enterprises Inc., et al., United States District Court for the Eastern District of  
Washington at Seattle, Cause No. CV05-5059 EFS, hereby acknowledges that  
he or she has received a copy of the Protective Order entered in these actions,  
which is attached hereto as Exhibit A, and has read and agreed to be bound by  
all of the provisions thereof.

DATED: \_\_\_\_\_  
Signature

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**CERTIFICATE OF SERVICE**

I hereby certify that on Wednesday, January 18, 2006, I caused to be served in the manner noted below a copy of the document entitled  
**Stipulation and Protective Order**  
on the following:

**Janet E. Taylor, janet@jtaylor-law.com**  
**Taylor Law Firm**  
**1177 Jadwin Avenue, Suite D**  
**Richland, WA 99352**

BY:

<input type="checkbox"/>	U.S. MAIL
<input type="checkbox"/>	FACSIMILE
<input checked="" type="checkbox"/>	<b>ELECTRONIC FILING</b>
<input type="checkbox"/>	DELIVERED BY SPOKANE MESSENGERS
<input type="checkbox"/>	OVERNIGHT MAIL – FEDERAL EXPRESS
<input type="checkbox"/>	eMAIL

DATED this Wednesday, January 18, 2006.

\s\ Sheehan Sullivan Weiss  
Jeffrey B. Youmans  
WSBA No. 26604  
Sheehan Sullivan Weiss  
WSBA No. 33189  
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1501 Fourth Avenue, Suite 2600  
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